

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON FAMILY LAW

April 23, 1997 Hearing Room 357

3:15 P.M. Tapes 76 - 77

MEMBERS PRESENT:

Rep. Ron Sunseri, Chair

Rep. George Eighmey, Vice-Chair

Rep. Roger Beyer

Rep. Peter Courtney

Rep. Charles Starr

Rep. Judy Uherbelau

STAFF PRESENT:

Bill Taylor, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

HB 2954 - Public Hearing and Work Session

HB 2700 - Public Hearing

HB 2945 - Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
Tape 76, A		
006	Chair Sunseri	Calls the meeting to order at 3:17 p.m.

**OPENS
PUBLIC
HEARING
ON HB 2954**

018	Valerie J. Vollmar	Citizen and Professor of Law at Willamette University College of Law Submits and reads written testimony regarding HB 2954 (EXHIBIT A). Testifies in opposition to section one of HB 2954.
068	Vollmar	Continues testimony.
118	Penny Schlueter	Resident of Pleasant Hill, Oregon Submits and reads aloud written testimony in opposition to HB 2954 (EXHIBIT B).
145	Barbara Combs Lee	One of the chief petitioners of the Oregon "Death with Dignity" Act Testifies in opposition to HB 2954. Submits written testimony ("A Survey of Voters in Oregon on Issues Related to Measure 16"), relating to HB 2954 (EXHIBIT C).
195	Combs Lee	Continues testimony.
245	Combs Lee	Continues testimony.
286	Rep. Starr	Do we live in a democracy or a republic?
287	Combs Lee	Would you clarify your distinction?
288	Rep. Starr	One is government of the people, which was feared by our founders. The other is representative government.
290	Combs Lee	I think that when the people of Oregon think about the democracy they cherish, they think about the most direct kind of democracy that they know, and the most direct kind of democracy they know is the direct election, where they get to vote on the laws, under which they will be governed. I don't think that they make those kinds of distinctions, and I think they cherish their initiative vote.
296	Chair Sunseri	Has the American Medical Association (AMA) changed their position?
297	Combs Lee	I don't believe so; neither has the Oregon Society.
299	Chair Sunseri	I understood you to say that no organization is opposed to Measure 16, and I thought the AMA was opposed.
301	Combs Lee	I said that I believe you have not heard from an Oregon association telling you that this is unworkable and that they would advocate a revote or an appeal.
334	Richard M. Thorne,	Physician and Surgeon, Gynecology and Infertility, in Salem, Oregon Submits and reads aloud written testimony regarding HB 2954 (EXHIBIT

	M.D., P.C.	D).
384	Dr. Thorne	Continues testimony.
TAPE 77, A		
001	Dr. Thorne	Continues testimony.
051	Dr. Thorne	Continues testimony.
073	Rep. Eighmey	Would it be safe to say that no matter how we amended, implemented, massaged, altered, changed, corrected Measure 16, you would still be opposed to death with dignity?
075	Dr. Thorne	Personally, yes.
076	Rep. Eighmey	If the voters defeat a repeal, would you attempt, in any way, shape, or form, to come back again to repeal Measure 16?
077	Dr. Thorne	Personally, no.
084	Chair Sunseri	Closes public hearing on HB 2954.
<u>OPENS WORK SESSION ON HB 2954</u>		
090	Chair Sunseri	Briefly discusses the -1 amendments to HB 2954 (EXHIBIT E).
093	Rep. R. Beyer	MOTION: Moves to ADOPT HB 2954-1 amendments dated 4/16/97.
		VOTE: 5-1-0 AYE: 5 - R. Beyer, Courtney, Starr, Uherbelau, Sunseri NAY: 1 - Eighmey

094	Chair Sunseri	The motion Carries.
095	Rep. R. Beyer	MOTION: Moves HB 2954 to the full committee with a DO PASS AS AMENDED recommendation.
098	Rep. Courtney	Discusses documents, distributed to the committee, which outline, in detail, a multitude of issues, surrounding Ballot Measure 16. Comments on the laborious discussions the members have had, concerning Measure 16. Comments that he would have supported the measure with very restrictive language, and comments on what areas he felt needed to have restrictive language. I thought, in good faith, given where we were on this issue, that was what we would attempt to do. Discusses difficult issues brought up in former sessions. I oppose Measure 16, and I was very concerned coming into this committee. I thought this committee could do it. This is the committee that could really do the job on these 19 issues. Instead, today, we are going to put it back out there. I'm a "no" today; I'm a "no" on the way this is happening. I regret very much that this committee did not try to craft language that would have made this a very, very compassionate and restrictive measure. Further discusses his personal feelings about the subcommittee and Measure 16.
148	Rep. Courtney	Continues testimony.
165	Chair Sunseri	Whether you accept that I have done this in good faith or not is not the point of this. I did operate this committee as objectively as possible and in good faith. I will tell you that, even after the meetings we have had, it is the judgment of this Chair that there is no way to amend the 25 percent failure rate, except by lethal injection or plastic bag, and that is 100 percent outside the parameters of Measure 16, as it was voted on by the people. There is no way to amend that, and that is the major flaw of this entire measure. This committee cannot amend that flaw. I think the only way we can solve that problem is to send it back to the people and give them the opportunity to hear that argument, which they did not here, and make that decision. That's why this referral does not make any alterations to Measure 16. It sends this back to the people and allows them to consider, with knowledge this time, on a very, very serious and important issue.
182	Rep. Minnis	Comments that he believes both he and Rep. Sunseri acted in good faith, in trying to deal with Measure 16. I'm sorry to hear that Rep. Courtney has taken the position he has because I had hoped to deal with this in two tiers: (1) referring it to the people, and (2) trying to deal with the technical difficulties of the existing language of the law.
201	Rep. Eighmey	Discusses his personal feelings regarding Measure 16 and the Chairs of both the Family Law Subcommittee and the Full Judiciary Committee.
251	Rep. Eighmey	Continues testimony.

281	Chair Minnis	Comments that a repeal was talked about in the press. I am not afraid of the citizens of Oregon readdressing the issue and living by the judgment of that vote.
297	Rep. Uherbelau	Discusses her personal feelings regarding the subcommittee and Measure 16.
247	Rep. Uherbelau	Continues testimony.
297	Rep. Uherbelau	Continues testimony.
TAPE 76, B		
002	Chair Sunseri	The people had the opportunity to pass Measure 33, which would allow the legislature to not deal with any of these measures for five years, but they didn't pass that.
		VOTE (on HB 2954 as amended): 4-3-0 AYE: 4 - Beyer, Starr, Sunseri, Minnis NAY: 3 - Courtney, Eighmey, Uherbelau
007	Chair Sunseri	The motion Carries.
012	Chair Sunseri	Closes work session on HB 2954.
<u>OPENS PUBLIC HEARING ON HB 2700</u>		
018	Bill Taylor	Committee Counsel Discusses HB 2700 and the -1 amendments to the bill (EXHIBIT F) .
025	Susan W. Tolle, M.D.	Practicing internist and Director of the Center for Ethics in Health Care at The Oregon Health Sciences University Submits written testimony and proposed amendments to HB 2700 (EXHIBITS G and H) .
075	Dr. Tolle	Continues testimony.
087	Chair Sunseri	What is the \$1.4 million, you mentioned earlier, based on?
088	Dr. Tolle	It's per year, and it's based purely on a hospice benefit on an estimated

		number of people, uninsured, in the state of Oregon each year.
089	Chair Sunseri	So, that's the difference between the \$1.4 million and the \$4.3 million estimates.
090	Dr. Tolle	Any separate line for prescription would, perhaps, be giving prescriptions to persons who were not receiving the standard hospice benefit, and those who have not foregone life-sustaining treatment. I have seen your budget analysis, and the second line, about prescriptions, seems to be picking up a group of individuals who didn't enroll in hospice. Hospice, itself, covers a prescription benefit.
096	Chair Sunseri	What will we be able to cover for the \$1.4 million?
100	Dr. Tolle	All persons, in the state of Oregon, would be eligible to receive the hospice benefit. The numbers are partly small because most people, who are terminally ill, are either over 65 and insured, or have already, economically, spent down and are covered in the Oregon health plan. That's why the numbers are relatively small, but it would pick up the group, that does not have insurance now, and provide the full package of standard Medicare hospice benefits to them.
108	Rep. Eighmey	Do you have your amendments to the -1 amendments? I would guess that we would have to define "hospice medical director."
110	Dr. Tolle	Those are titled positions in the state. Discusses proposed amendments.
121	Rep. Eighmey	We still have to define that, even though it is in your booklet.
146	Bill Taylor	Committee Counsel Suggests additional amendments for clarity.
		*-2 amendments distributed (EXHIBIT D).
170	Paige Clark, R. Ph.	Chair of the Statewide Pharmacy Task Force on Measure 16 Submits written testimony, regarding HB 2700 (EXHIBIT J). NOTE: The same written testimony submitted here was also submitted at a March 11, 1997 hearing on HB 2965 and HB 3362. The task force has retained their position, and that position was simply reiterated. Therefore, the same testimony was circulated.
184	Rep. Uherbelau	It sounds to me like you are addressing issues about assisted suicide, and we're past that, in talking about the hospice bill.
187	Clark	I was asked, for clarification reasons, to introduce the pharmacist issue along with this bill.
192	Rep. Uherbelau	We already have hospice. Do the pharmacists have a problem with that right now?
198	Clark	No, but if the assisted suicide bill would become a "legal entity," our liability situation changes. Discusses how the changes would affect pharmacists in Oregon.

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 2954, written testimony, Valerie J. Vollmar, Professor of Law at Willamette University College of Law, 3 pages.

B - HB 2954, written testimony, Penny Schlueter, resident of Pleasant Hill, Oregon, 1 page.

C - HB 2954, written testimony ("A Survey of Voters in Oregon on Issues Related to Measure 16"), Barbara Combs Lee, one of the chief petitioners for the Oregon "Death with Dignity" Act, 11 pages.

D - HB 2954, written testimony, Dr. Richard M. Thorne, physician and surgeon in Salem, Oregon, 3 pages.

E - HB 2954, proposed amendments (-1), Legislative Counsel, 1 page.

F - HB 2700, proposed amendments (-1), Legislative Counsel, 2 pages.

G - HB 2700, written testimony ("The Final Months of Life"), Dr. Susan W. Tolle, Director of the Center for Ethics in Health Care at The Oregon health Sciences University, 55 pages.

H - HB 2700, written testimony, Dr. Susan W. Tolle, Director of the Center for Ethics in Health Care at The Oregon health Sciences University, 9 pages.

I - HB 2700, proposed amendments (-2), Legislative Counsel, 2 pages.

J - HB 2700, written testimony, Paige Clark of the Statewide Pharmacy Task Force on measure 16, 2 pages.

K - HB 2945, proposed amendments (-1), Legislative Counsel, 1 page.

L - HB 2945, written testimony, Oregon State Bar Procedure and Practice Committee, 1 page.